

REMARKS

In the November 3, 2004 Office Action, the Examiner states that claims 1-10, 12-21 and 23-43 are pending in the above-identified application and are rejected. First, Applicant notes that claims 1-10 have been previously withdrawn. Accordingly, while Applicant does not agree necessarily agree with the Examiner's rejections of claim 1-10, inasmuch as they were previously withdrawn, the Applicant can not and will not address these rejections at this time.

Claims 12-14, 23-25 and 34-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Letorey et al.* in view of *Bennett* (U.S. Patent No. 5,877,957). Applicant respectfully traverses these rejections.

In the office action, the Examiner states that *Letorey* discloses some of the elements of claims 12, 23, and 34, but admits that *Letorey* does not teach "formatting a state message containing the state; and transmitting the state message from the network interface for reception by another device." Instead, the Examiner contends that these elements are purportedly taught by *Bennett*. Applicant respectfully disagrees.

First, Applicant submits that there is simply no motivation to combine *Bennett* with *Letorey*. "The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." *In re Gordon*, 221 USPQ 1125, 1127 (Fed. Cir. 1984). "The critical inquiry is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination." *Fromson v. Advance Offset Plate, Inc.* 225 USPQ 26, 31 (Fed. Cir. 1985). "Close adherence to this methodology is especially important of less technologically complex inventions, where the very ease with which the invention can be understood may prompt one to fall victim to the insidious effect of a hindsight syndrome wherein that which only

the inventor taught is used against its teacher." *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999).

Nothing in the cited art suggests the desirability for combining *Letorey* with *Bennett*. *Letorey* teaches a controller in which a user may set a desired time (or a "relative time", depending on the application) that corresponds to a start time for the home apparatus. When the clock time coincides with this time, the controller sends a message to the apparatus to start that apparatus. *Bennett*, on the other hand, teaches a system that triggers a preprogrammed action in an appliance (such as starting the appliance) upon the detection of a certain state in another device. There is simply no suggestion of any desirability for using the trigger event system in *Bennett* with a purely time-based system in *Letorey*. If the Examiner maintains this rejection, Applicant requests that the Examiner identify the specific portions of the cited art that provide the alleged motivation to combine the references.

Moreover, even assuming any motivation to combine, the combination of *Letorey* and *Bennett* would not teach claims 12, 23, and 34. Claim 12, 23, and 34, as amended each require, among other limitations, "receiving at a coffeemaker apparatus with a network interface at least one timer setting at the network interface, setting a clock with the at least one timer settings", transmitting a "state message from the network interface for reception by another device," and "controlling the coffeemaker apparatus based on the state of the coffeemaker apparatus." As noted above, the Examiner admits that *Letorey* does not teach formatting and transmitting a state message. As also discussed above, *Bennett* teaches a system that controls an appliance by determining whether another device enters a preprogrammed state. However, *Bennet* does not teach or even suggest the appliance-under-control formatting and transmitting a message to another device regarding its own state, let alone, that the control of the appliance is based on its

current state. This ability for an appliance to transmit state messages and to be controlled based on its current state provides significant advantages in the present invention, such as permitting the appliance-under-control to inform a central controller if the appliance-under-control is ready to be initiated or not. This is especially beneficial in the case of coffeemakers as initiation of the coffeemaker when its water reservoir is empty may cause damage to the appliance.

For the foregoing reasons, Applicant submits that Claims 12, 23, and 34, as well as dependent claims 13-21, 24-32, and 35-43 are in condition for allowance. Notice to that effect is requested. Should the Examiner have any remaining issue, Applicant kindly requests that the Examiner contact the undersigned.

Dated: May 3, 2005

Respectfully submitted,

By: 

Jordan A. Sigale

Registration No. 39,028

SONNENSCHN NATH & ROSENTHAL LLP

P.O. Box 061080

Wacker Drive Station, Sears Tower

Chicago, Illinois 60606-1080

(312) 876-8000